



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



Conn Brothers Construction, Inc.  
P.O. Box 670  
Lincoln, NH 03251

Re: Route 3, Woodstock, NH

**ADMINISTRATIVE ORDER**

**No. WD 01-08**

**February 1, 2001**

**A. INTRODUCTION**

This Administrative Order ("Order") is issued by the Department of Environmental Services, Water Division to Conn Brothers Construction, Inc. pursuant to RSA 485-A:22. This Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, with principal offices at 6 Hazen Drive, Concord, NH 03301.
2. Conn Brothers Construction, Inc. ("CBC"), is a New Hampshire corporation with principal offices at Lost River Rd, North Woodstock, NH 03262 and a mailing address of P.O. Box 670, Lincoln, NH 03251.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the Commissioner of DES has adopted Env-Ws 401 - 405 relating to permits and has adopted Env-Ws 1700 to establish water quality standards for the state's waters.
2. CBC operates a gravel pit on property owned by R&E Leasing on Route 3 in North Woodstock, NH, identified on Woodstock Tax Map 208 as lot 13 ("the Facility").
3. R&E Leasing was registered with the NH Secretary of State as a trade name; according to Secretary of State records, the registration expired on October 4, 1995. Based on the Secretary of State records, R & E Leasing appears to have had the same principals as CBC, including William Conn, John Conn, and Joseph Conn.
4. The Facility is not permitted for any discharges to Beaver Brook or any other surface waters of the state.
5. Beaver Brook is classified pursuant to RSA 485-A:8,II.
6. Pursuant to RSA 485-A:8, II, there shall be no disposal of waste into Class B waters except those which have received adequate treatment to prevent objectionable physical

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characteristics; disposal of waste shall not be harmful to aquatic life or to the maintenance of aquatic life in said receiving waters; and Class B waters shall be acceptable for swimming, fishing and other recreational purposes.

7. RSA 485-A:13, I(a) provides, *inter alia*, that it is illegal to dispose of wastes to surface waters without first obtaining a permit from DES.

8. On January 22, 2001, DES inspectors observed an unpermitted discharge to Beaver Brook originating at the Facility. The discharge consisted of sediment-laden water being pumped from the Facility to Beaver Brook at a rate of at least 200 gallons per minute (gpm). The DES inspectors observed the sediment impacts for at least 0.6 miles downstream. On January 22, 2001, the DES inspectors verbally advised the Facility's on-site representative, William Conn, to cease and desist the pumping operation immediately.

#### **D. DETERMINATION OF VIOLATIONS**

1. CBC violated RSA 485-A:13 by discharging waste to the surface water of the state without first obtaining a written permit from DES.

2. CBC violated RSA 485-A:8, II by disposing of waste into Class B waters resulting in degradation of the water quality and causing the water to have objectionable physical characteristics.

**This case is in the preliminary stages of investigation and DES reserves the right to amend this Order as warranted should additional violations be identified.**

#### **E. ORDER**

Based on the above findings DES hereby orders CBC, to:

**Immediately cease and desist all pumping and discharge activities from the Facility.**

#### **F. APPEAL**

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve CBC of the obligation to comply with the Order.

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**G. OTHER PROVISIONS**

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. CBC remains obligated to comply with all applicable requirements, in particular, RSA 485-A:8, RSA 485-A:13, Env-Ws 401-405 and Env-Ws 1700. DES will continue to monitor CBC's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Grafton County Registry of Deeds so as to run with the land.

**COPY**  
*Harry T. Stewart*  
for Harry T. Stewart, P.E., Director  
Water Division

**COPY**  
*Robert W. Varney*  
Robert W. Varney, Commissioner

Colin Robinson, Attorney  
Mike Walls, NHDOJ  
Gretchen Rule, NHDES Enforcement Coordinator  
Sharon Ducharme, NHDES Wastewater Engineering Bureau  
Richard Head, NHDES Wetlands Bureau  
Kidgey Mauck, NHDES Site Specific Program  
Selectmen, Woodstock  
Grafton County Registry of Deeds  
Public Information Officer, DES PIC Office

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